

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------------|---|----------|
| THE APPLICATION OF DANBURY CELLULAR |) | |
| TELEPHONE CO. FOR ISSUANCE OF A |) | |
| CERTIFICATE OF PUBLIC CONVENIENCE AND |) | |
| NECESSITY TO PROVIDE DOMESTIC PUBLIC |) | |
| CELLULAR RADIO TELECOMMUNICATIONS |) | |
| SERVICE TO THE PUBLIC IN THE KENTUCKY |) | CASE NO. |
| RURAL SERVICE AREA WHICH INCLUDES |) | 90-391 |
| MADISON, ROCKCASTLE, LAUREL, GARRARD, |) | |
| BOYLE, LINCOLN, CASEY AND PULASKI |) | |
| COUNTIES, KENTUCKY, FOR APPROVAL OF |) | |
| FINANCING, AND FOR ESTABLISHMENT OF |) | |
| INITIAL RATES |) | |

O R D E R

This matter arising upon petition of Danbury Cellular Telephone Company ("Danbury Cellular") filed November 27, 1990, pursuant to 807 KAR 5:001, Section 7, for confidential protection of its income statement and balance sheet as of September 1990 and its construction cost estimate and pro forma income statement for 1991 filed as exhibits to its application herein, on the grounds that public disclosure is likely to cause Danbury Cellular competitive injury, and it appearing to this Commission as follows:

Danbury Cellular has filed an application for a Certificate of Public Convenience and Necessity to provide public cellular radio telecommunications service in its rural service area, for approval of financing, and establishment of initial rates. As part of its application, Danbury Cellular has filed its income statement and balance sheet as of September 1990 which contains

information on expenditures for the proposed cellular system. Danbury Cellular has also filed its construction cost estimate and pro forma income statement for 1991 which contains capital costs for the proposed system, including costs for cell sites, the MTSO, and other expenses of operating the proposed cellular system. Danbury Cellular seeks to protect this information as confidential.

The information sought to be protected is not known outside of Danbury Cellular and is not known within Danbury Cellular except by employees and others involved in its business on a need-to-know basis. Danbury Cellular has expended substantial sums of money in developing the information which could not easily be acquired or duplicated by others and seeks to protect and preserve the confidentiality of the information by all appropriate means.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Danbury Cellular, upon entry into the cellular market, will face competition from Contel of Kentucky, Inc. and BellSouth Mobility, Inc. Its competitors could use the information sought

to be protected to gain an unfair business advantage by structuring their rates and marketing their services in a manner which would preclude Danbury Cellular from competing effectively for customers. Thus, disclosure of the information is likely to cause Danbury Cellular competitive injury, and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,

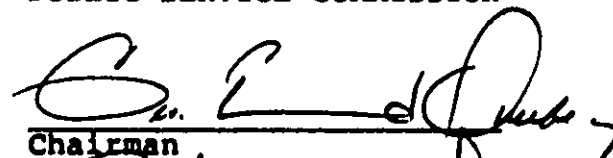
IT IS ORDERED that:

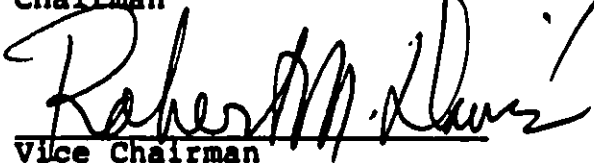
1. The income statement and balance sheet as of September 1990 for Danbury Cellular and the construction cost estimate and pro forma income statement for 1991, which Danbury Cellular has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. Danbury Cellular shall, within 10 days of the date of this Order, file an edited copy of the information for inclusion in the public, with copies to all parties of record.

Done at Frankfort, Kentucky, this 18th day of December, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner